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Paper 36
Entered: 23 August 2007

UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference 105,397 RT
Technology Center 2800

GILBARCO INC.,

Patents 6,766,949; 6,789,733; and 6,685,089,
Junior Party,

v.

IPXL HOLDINGS, LLC,

Application 10/459,540,
Senior Party.

Before: FRED E. McKELVEY, *Senior Administrative Patent Judge*, and
RICHARD TORCZON and JAMES T. MOORE, *Administrative Patent
Judges*.

McKELVEY, *Senior Administrative Patent Judge*.

JUDGMENT

Upon consideration of GILBARCO CONCESSION OF PRIORITY
(Paper 27) and the MEMORANDUM OPINION and ORDER (Paper 35),
entered concurrently herewith, it is

1 ORDERED that judgment on priority as to Count 1 (the sole
2 count in the interference; Paper 33, page 3) is awarded against Junior Party
3 Gilbarco Inc. (inventors: Steven N. Terranova and John S. McSpadden).

4 FURTHER ORDERED that Junior Party Gilbarco Inc.
5 (inventors: Steven N. Terranova and John S. McSpadden) is not entitled to a
6 patent containing claims 1-24 (corresponding to Count 1) of:

7 U.S. Patent 6,766,949
8 issued 27 July 2004
9

10 FURTHER ORDERED that Junior Party Gilbarco Inc.
11 (inventors: Steven N. Terranova and John S. McSpadden) is not entitled to a
12 patent containing claims 1-2, 4, 7, 15-17, and 26-29 (corresponding to Count
13 1) of:

14 U.S. Patent 6,789,733
15 issued 14 September 2004
16

— 17 FURTHER ORDERED that Junior Party Gilbarco Inc.
18 (inventors: Steven N. Terranova and John S. McSpadden) is not entitled to a
19 patent containing claims 1-2, 4, 6, 12-14, 23-26, and 28-33 (corresponding
20 to Count 1) of:

21 U.S. Patent 6,685,089
22 issued 3 February 2004
23

24 FURTHER ORDERED that if there is an additional settlement
25 agreement, attention is directed to 35 U.S.C. § 135(c).

26 FURTHER ORDERED that a copy of this JUDGMENT shall
27 be placed in the files of (1) U.S. Patent 6,766,949, (2) U.S. Patent 6,789,733,
28 (3) U.S. Patent 6,685,089 and (4) application 10/459,540.

1 FURTHER ORDERED that the Clerk is directed to distribute
2 the files upon entry of this JUDGMENT.

1 cc: (via electronic mail):
2 Steven N. Terranova
3 John R. Witcher
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5 Cary, NC
6
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Attachments: 105397.036.pdf

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